IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 691 of 2005

Between:

Kotramangalam Chengamma, Madhavaiah
R/o. Daminedu, Tirupathi Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District.
2 Revenue Divisional Officer, Tirupathi Division,
Tirupathi.
3 The Mandal Revenue Officer, Tirupathi (Rural) Mandal,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the petitioners possession and enjoyment of the land admeasuring Ac. 2-06 cents in Survey No.185/1, Daminedu Village, Tirupathi (Rural) Mandal, Chittoor District as arbitrary, illegal and without jurisdiction and in violation of Principles of natural justice and direct the respondents not to interfere with the petitioners property rights except following due process of law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.RAMA RAO GHANTA

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following :

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.691 of 2005

ORDER:

This Writ Petition has been filed by Kotramangalam Chengamma with a prayer to issue a wirt, order or direction, more particualry one in the nature of Writ of Mandamus, declaring the action of the respondents in interfering with the petitioner's possession and enjoyment of the land admeasuring Ac.2-06 cts. in Survey No.185/1, Daminedu village, Tirupathi (Rural) Mandal, Chittoor District, as arbitrary, illegal and without jurisdiction.

2. It is the case of the petitioner that he has been in possession and enjoyment of the land bearing Survey no.185/1 admeasuring Ac.2.06 cents from 1963 onwards. It is his further case that the respondents, without taking recourse to law, are attempting to dispossess him highhandedly and thus approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment, appearing on behalf of the respondents 1 to 3.

4. The possession of the petitioner over the land in question seems to be not in dispute. It is the version of the respondents that the land in question is a Vagu-poramboku and the petitioner is an encroacher. Such is the case, the respondents have to take the proceedings in accordance with law to dispossess the petitioner from the land in question.

5. Accordingly the Writ Petition is disposed of giving direction to the respondents not to dispossess the petitioner from the lands in question except in accordance with law, after following the due procedure. No costs.

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July 21, 2005

Kvr

To

1 The District Collector, Chittoor, Chittoor District.
2 The Revenue Divisional Officer, Tirupathi Division, Tirupathi.
3 The Mandal Revenue Officer, Tirupathi (Rural) Mandal, Chittoor District.

4. Two C.Ds to the GP for Assignment, High Court of AP Buildings, High Court of AP, Hyderabad (O.U.T.).

5. Two C.D.Copies.